

## MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

June 1, 1961  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

## Roll call:

Present: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Absent: None

Present also: Reuben Rountree, Jr., Acting City Manager; Doren R. Eskew, City Attorney; Robert A. Miles, Chief of Police

Invocation was delivered by REV. BILL CHAVEZ, Govalle Methodist Church.

Councilman White moved that the Minutes of the meeting of May 25, 1961, be approved. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE AMENDING CHAPTER 33 OF THE AUSTIN CITY CODE OF 1954 BY AMENDING SECTION 33.43-1 PERTAINING TO SPECIFIC DAYS EXCEPTED FROM METERED PARKING LIMITS IN ALL PARKING METER ZONES; REPEALING ALL INCONSISTENT PROVISIONS; AND DECLARING AN EMERGENCY.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on May 25, 1961, for the purchase of one 60,000# carload of sodium hexametaphosphate for use by the Filter Plants; and,

WHEREAS, the bid of Dixie Chemical Company in the sum of \$7,464.00 was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of the City of Austin and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Dixie Chemical Company in the sum of \$7,464.00 be and the same is hereby accepted and W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract on behalf of the City with Dixie Chemical Company.

The motion, seconded by Councilman Perry, carried by the following vote:  
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Council discussed the bids for furnishing and installing one electric passenger elevator for the Municipal Building. Discussion covered the advisability of overhauling the present elevator, the enormous difference in price on speed, the disadvantages of the old elevator, the purposes in ordering the two speeds to be able to stop at floor level, and the general convenience of the operation of the elevator to the employees and to the public. It was suggested that bids be taken on a single speed elevator. After lengthy discussion, Councilman Armstrong moved that action be deferred on this matter for further study. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Acting City Manager submitted the following:

"June 1, 1961

"To the City Council  
City of Austin, Texas

"Re: Completion and Acceptance of Work  
Improving Portions of Certain Streets  
in the City of Austin Being Assessment  
Paving Contract Number 60-A-25

"The work of improving portions of the following named streets in the City of Austin, being Assessment Paving Contract Number 60-A-25, dated November 14, 1960, between the City of Austin and Lee Maners, has been performed and completed by Lee Maners in full compliance with the contract and the plans and specifications therein contained:

<u>"Street</u>	<u>From</u>	<u>To</u>
Ann Arbor Avenue	NPL Rundell Place	SPL Ford Street
Bluebonnet Lane	NGL South Lamar Blvd.	Melridge Place
Brushy Street	NPL East 5th Street	SPL East 6th Street
Calles Street	SPL East 6th Street	SPL East 7th Street
Canterbury Street	EGL Waller Street	WPL Comal Street
Ford Street	115' W. of WPL Ann Arbor Ave.	EPL Ann Arbor Avenue
Hamilton Avenue	EPL Chicon Street	WPL Prospect Avenue
Lupine Lane	EPL Loma Drive (N)	EGL Loma Drive (S)
Newning Avenue	NPL Ieland Street	SPL Terrace Drive
Pedernales Street	NPL Canterbury Street	SPL East 1st Street
Poquito Street	135'S.of SPL Peoples St.	SPL Rosewood Avenue
Rundell Place	EPL Rabb Road	WPL Bluebonnet Lane
Russell Drive	120' N. of NPL Crown Dr.	SPL Redd Street
Sunnyvale Street	EGL Interregional Highway	WGL Summit Street
East 3rd Street	EPL Comal Street	WPL Canadian Street
East 4th Street	EPL Comal Street	WPL Chicon Street

"I have inspected, approved, and accepted the work and improvements referred to, and I now recommend that the same be accepted and received by the City Council as having been performed and completed in compliance with the contract, plans, and specifications referred to above.

"Respectfully submitted,  
s/ S. Reuben Rountree, Jr.  
Director of Public Works"

Mayor Palmer introduced the following ordinance:

AN ORDINANCE RECEIVING AND ACCEPTING THE WORK OF IMPROVING PORTIONS OF ANN ARBOR AVENUE AND SUNDRY OTHER STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREBELOW DEFINED, PERFORMED BY LEE MANERS AUTHORIZING AND DIRECTING THE ISSUANCE OF SPECIAL ASSESSMENT CERTIFICATES IN CONNECTION THEREWITH; DECLARING AN EMERGENCY, AND PROVIDING THAT THIS ORDINANCE SHALL BECOME EFFECTIVE IMMEDIATELY UPON ITS PASSAGE.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

MR. WINDY WINN appeared before the Council protesting a situation that happened Saturday afternoon, May 27th, about 6:00 P.M. at the Tarrytown Fire Station during the Senatorial and County ~~and~~ Elections. He reported there were five firemen on the fire station lawn trying to get him and others to sign a petition; and he was approached by four firemen as he went into the fire station to vote, and again as he got to the curb as he was leaving. He noted the printed marker at the polling place regarding "no electioneering or loitering", and said he believed there was a violation, as the firemen were canvassing for securing a vote in their own personal interests at an election. Several people were angered and stunned to see this happening at the polling places, Mr. Winn said. He asked one fireman if he thought this were legal, and the fireman told him it was, as they had talked to the Election Judge. Mr. Winn said the Election Judge told him he did not know, and Mr. Winn said he assumed no formal permission was given or not given. He reported several had remarked the firemen were on duty and were in uniform, but he noted one that was not in uniform. Mr. Winn maintained if they were soliciting signatures on petitions, they should have been 100 feet from the polling places. After checking with other stations, he said the same thing was happening at 30th Street Fire Station, West 19th Street Station, and probably many others. He emphasized this was an unhealthy thing for the city; and if the firemen were permitted to do this, other groups could stand out on the lawns of the polling places and do the same thing; and it is an infringement on the peoples' rights. He respectfully asked that the Council take this matter under consideration. Mayor Palmer thanked Mr. Winn for calling this to the Council's attention, and stated the Council would make an investigation.

MR. DICK DUNBAR stated this protest was in a way pertaining to a petition regarding equality of pay between the Fire and Police Departments, and he wanted to express himself as hating to see 2700 city employees suffer. Pay raises and shortening of hours had been given to policemen and firemen, but nothing was done for the other city employees, and he asked the Council to consider that when the matter came up.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the City Council of the City of Austin hereby approves as a filling station site the property located at the southeast corner of Ben White Boulevard and South First Street which property fronts 553.34 feet on Ben White Boulevard and 72.75 feet on South First Street and being known as a portion of Block 9, Fortview Addition in the City of Austin, Travis County, Texas, and hereby authorizes the said Calhoun-Smith Distributing Company to construct, maintain, and operate a drive-in gasoline filling station and to construct curbs, ramps, and sidewalks in conjunction therewith subject to the same being constructed in compliance with all ordinances relating thereto, and further subject to the foregoing attached recommendations and plans. The Building Inspector is hereby authorized to issue an occupancy permit for the operation of this filling station after full compliance with all the provisions of this resolution, and said permission shall be held to be granted and accepted to all necessary, reasonable and proper, present and future regulations and ordinances of the City of Austin, Texas, in the enforcement of the proper Police, Traffic and Fire regulations; and the right of revocation is retained, if after hearing it is found by the City Council that the said Calhoun-Smith Distributing Company has failed and refused and will continue to fail and refuse to perform any such conditions, regulations, and ordinances.

(Recommendations attached)

"June 1, 1961

"Mr. W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Sir:

"We, the undersigned, have considered the application of Calhoun-Smith Distributing Company for permission to construct, maintain, and operate a drive-in gasoline filling station and to construct commercial driveways in conjunction therewith upon the property located at the southeast corner of Ben White Boulevard and South First Street which property fronts 553.34 feet on Ben White Boulevard and 72.75 feet on South First Street and being known as a portion of Block 9, Fortview Addition in the City of Austin, Travis County, Texas, and the property upon which this filling station is to be located is owned by Calhoun-Smith Distributing Company. We hereby advise that the following conditions exist.

"The property upon which this filling station is to be located is designated as General Retail upon the zoning maps of the City of Austin.

"All drainage, natural or otherwise, from this filling station is to be disposed of in such a manner that such drainage will not flow across the sidewalk area into the street, and furthermore, shall not create a nuisance to others in the neighborhood. It is understood that the disposal of such drainage shall be entirely the responsibility of the property owner. Any waste connection to a storm sewer which empties into an open drainageway shall be discontinued, if the waste becomes a nuisance or damages any property or rights of others in the vicinity of the open drainageway.

"We recommend that Calhoun-Smith Distributing Company be granted permission to construct, maintain, and operate said drive-in gasoline filling station and to construct curbs, ramps and sidewalks in conjunction therewith subject to the following conditions.

"(1) That all buildings and equipment shall be placed inside of the property line; correct lines to be obtained before construction starts or equipment is installed. Lines and grades to be obtained from the Department of Public Works for entrances and driveways; building lines to be approved by the City Building Inspector. That the applicant shall confer with the Department of Public Works as to future grades of the sidewalks and gutters on the adjacent streets before he starts any construction relative to the filling station.

"(2) That only underground tanks shall be used, and that all pumps shall be so located that it will be impracticable to service motor vehicles therefrom while said motor vehicles are standing on any part of a sidewalk, street, or alley.

"(3) That the gasoline tanks, pumps, and all equipment used in connection with the storage and handling of gasoline shall be an approved type and shall bear the label of Underwriters Laboratories, Inc. and that all construction of the filling station improvements shall be in accordance with the Building Ordinance, the Zoning Ordinance, the Filling Station Ordinance, and in accordance with the ordinance prohibiting the disposal of commercial water or oils upon the City Streets.

"(4) That the grades of the station shall be such that no waste water or oils or any floor washings shall ever pass over the City sidewalk area and that all of said oils and water shall be concentrated into a combined grease and sand trap which shall be constructed in accordance with our standard plan 2 - H - 146.

"(5) That all filling station improvements, pump islands, driveways, ramps, gutters, sidewalks, and curbs shall be constructed of concrete at the expense of the applicant as set forth upon the plan, hereto attached, which plan bears the Department of Public Works file number 2 - H - 1867.

"(6) Expansion joints shall be constructed as shown upon the plan, hereto attached, marked 2 - H - 1867 and shall be of the premoulded type.

"(7) When the owner considers that he has complied with all the requirements of the City of Austin for filling stations, he shall apply for a final inspection, and upon approval, the Building Inspector shall issue a Certification of Operation before such filling station can be put into service.

"Respectfully submitted,  
s/ S. Reuben Rountree, Jr.  
Director of Public Works  
s/ Dick T. Jordan  
Building Official"

The motion, seconded by Councilman Perry, carried by the following vote:  
Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

MR. ELDRIDGE, Construction Engineer, made a report on his meeting with MR. WOLF JESSEN, Architect of the Auditorium, regarding the construction of Committee rooms on the mezzanine floor. Mr. Jessen agreed to the plans as submitted by Mr. Eldridge, to convert the space to committee room use, since the space at the east and west mezzanine level was originally provided as lounge areas, but was not needed as such. Mayor Palmer said there had been many requests from larger conventions for more committee rooms, and he was glad to get the Architect's idea on this. He said the Council would go by and look at the space before it awarded the contract. As to lounge areas, Mayor Palmer stated this was something the Council was going to have to study, and there were some comments in that there were not enough lounge areas.

The Chief of Police filed a petition signed by every member of the Police Department, expressing confidence in the members of the City Council and City Administrative officials, and requesting that the members of the Police Department be considered only with all city employees for any wage increase and not as a special group or part of a group of Civil Service Employees seeking additional compensation because of their Civil Service Status. There were 221 signatures.

Councilman Armstrong addressed the large group of citizens present at the Council meeting stating it was the finest group present since he had been on the Council, and expressed his appreciation for their interest in the city. He invited them to come any and every Thursday they would like to come, and to offer any criticism, comments or suggestions they might have.

Councilman White moved that the Council accept the withdrawals of the following zoning applications:

M. L. CRUMLEY	403-407 St. Johns Ave.	From "A" Residence
By Donald Dempsey & Associates	7112-14 Northcrest Blvd.	To "C" Commercial
		NOT Recommended by the Planning Commission
GAGE WESTERN INVESTMENTS, INC.	7200-7210 Hardy Drive	From "A" Residence
		To "GR" General Retail
		NOT Recommended by the Planning Commission
TOM MOSES ATTAL	1010 Daniel Drive	From "A" Residence
(Withdrawn before it was advertised for Council hearing)	511-515 Dawson Drive	To "BB" Residence 2nd Height and Area
CHESTER H. DORMON	4401 Russell Drive	From "A" Residence
(Withdrawn at Zoning Committee meeting)	1701-05 Ben White Blvd.	To "C" Commercial 6th Height and Area
JIM NOVY	1505-1509 West Avenue	From "A" Residence
(Withdrawn at Zoning Committee meeting)	705-709 West 16th Street	To "O" Office 2nd Height and Area
MRS. SOPHIE WINFIELD	1607 West Avenue	From "A" Residence
(Withdrawn at Zoning Committee meeting)		To "O" Office

The motion, seconded by Councilman Perry, carried by the following vote:  
 Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

MAYOR PALMER announced that hearing on the following zoning application had been postponed; and when it was brought before the Council, the property owners would be notified again and legal publication would be made:

HERMAN E. MCKINNEY	1500 Exposition Blvd. 2700-2704 Enfield Road	From "A" Residence To "LR" Local Retail NOT Recommended by the Planning Commission
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Pursuant to published notice thereof the following zoning applications were publicly heard:

STANFORD ENTERPRISES & SCMD TRUST By Thomas G. Gee	Tract 1 7005-07 Mira Loma Lane Tract 2 7009-11 Mira Loma Lane 2001-13 U.S.Hwy 20	From "A" Residence To "O" Office From "A" Residence To "LR" Local Retail 6th Height and Area RECOMMENDED by the Planning Commission
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Councilman Perry moved that the change be granted to "O" Office for Tract 1 and to "LR" Local Retail 6th Height and Area for Tract 2. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "O" Office for Tract 1 and to "LR" Local Retail 6th Height and Area for Tract 2, and the City Attorney was instructed to draw the necessary ordinance to cover.

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MARY B. HARPER By Doak Rainey	2130-2132 Goodrich Ave.	From "A" Residence and "C" Commercial To "C" Commercial NOT Recommended by the Planning Commission RECOMMENDED "C" Commercial for easterly 361'
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Councilman Perry moved that the change be granted to "C" Commercial for the easterly 361'. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial

for the easterly 361' and the City Attorney was instructed to draw the necessary ordinance to cover.

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ROGAN B. GILES	3712 Lafayette Avenue 1305-07 East 38½ Street	From "A" Residence To "O" Office RECOMMENDED by the Planning Commission
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No opposition appeared. Councilman Perry moved that the change be granted to "O" Office. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

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M. Z. COLLINS By Stanley Blazyk	1204-1304 & 1301-07 Edgecliff Street 900-02 Manlove Street 1001-25 Interregional Highway	From "O" Office 1st Height and Area To "O" Office 2nd Height and Area RECOMMENDED by the Planning Commission
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No opposition appeared. Councilman White moved that the change be granted to "O" Office 2nd Height and Area. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "O" Office 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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JOHN D. HUBBERT By J.T. Baumgardner	2215-31 Redwood Avenue 4401-25 New Manor Road	From "A" Residence To "GR" General Retail RECOMMENDED by the Planning Commission
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Mayor Palmer pointed out there were some certain restrictions in connection with this development. No opposition appeared. Councilman White moved that the change be granted to "GR" General Retail. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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IRVING L. RAVEL	Rear of 5610 Adams Avenue (5517 Burnet Road)	From "C" Commercial To "C-1" Commercial RECOMMENDED by the Planning Commission
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No opposition appeared. Councilman White moved that the change be granted to "C-1" Commercial. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "C-1" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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NELSON PUETT, JR.	5421-5433 Burnet Road 1800-1812 Houston Street 5500-5502 Clay Avenue	From "A" Residence 1st Height and Area & "C" Commercial 2nd Height and Area To "C" Commercial 2nd Height and Area RECOMMENDED by the Planning Commission
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No opposition appeared. Councilman White moved that the change be granted to "C" Commercial 2nd Height and Area. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial 2nd Height and Area and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHARLES C. BROCK	2219-25 (2209) South 1st Street Rear of	From "A" Residence To "C" Commercial RECOMMENDED by the Planning Commission
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No opposition appeared. Councilman White moved that the change be granted

to "C" Commercial. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "C" Commercial and the City Attorney was instructed to draw the necessary ordinance to cover.

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AUSTIN CORPORATION By David B. Barrow BRADFIELD CUMMINS & BRADFIELD, By W. L. Bradfield	Tract 1	
	3714-24 Bull Creek Road	From Interim "A" Residence
	3800-10 Dry Creek Drive	To "LR" Local Retail
	5901-09 Mountainclimb Dr.	RECOMMENDED by the
	3801 Hillbrook Drive	Planning Commission
	Tract 2	
	5900-04 Mountainclimb Dr.	From Interim "A" Residence
	3900-02 Dry Creek Drive	To "O" Office
		RECOMMENDED by the
		Planning Commission
	Tract 3	
	3803 Hillbrook Drive	From Interim "A" Residence
		To "O" Office
		RECOMMENDED by the
		Planning Commission

Councilman White moved that the change be granted to "LR" Local Retail for Tract 1 and to "O" Office for Tract 2 and Tract 3. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "LR" Local Retail for Tract 1 and to "O" Office for Tract 2 and Tract 3 and the City Attorney was instructed to draw the necessary ordinance to cover.

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CHARLES D. NASH	1120-1208 East 52nd Street	From "A" Residence
		To "BB" Residence
		RECOMMENDED by the
		Planning Commission

Councilman Perry moved that the change be granted to "BB" Residence. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
 Noes: None

The Mayor announced that the change had been granted to "BB" Residence and the City Attorney was instructed to draw the necessary ordinance to cover.

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MRS. MARTHA G. YARRINGTON 706 West 34th Street From "A" Residence  
By Sterling Sasser, Jr. To "O" Office  
RECOMMENDED by the  
Planning Commission

MRS. WALTER BARNES expressed opposition to changing the residential neighborhood, stating the property was to be zoned to permit an architect to have an office there. Mr. Barnes said an architect would not occupy that house very long, and the neighborhood would have a convalescent home or something else. Councilman Shanks moved that the change be granted to "O" Office. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "O" Office and the City Attorney was instructed to draw the necessary ordinance to cover.

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R. E. WESTBROOK 8316-8322 (8304) From "A" Residence  
Burnet Road To "C-1" Commercial  
2400-02 Buell Avenue NOT Recommended by the  
Planning Commission  
RECOMMENDED "GR"  
General Retail

Councilman Armstrong moved that the change be granted to "GR" General Retail. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been granted to "GR" General Retail and the City Attorney was instructed to draw the necessary ordinance to cover.

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E. T. HOLLY 2401-05 West 10th St. From "A" Residence  
904-06 Possum Trot To "BB" Residence  
NOT Recommended by the  
Planning Commission

No one appeared representing the application. Some opposition was present. Councilman Perry moved that the change be denied. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None:

The Mayor announced that the change had been DENIED.

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BEULAH EDMERSON  
By F. B. Vaughn

1201 Deloney Street  
3800-3804 East 12th  
Street

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission

No one appeared representing the applicant. Councilman Perry moved that the change be denied. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the change had been DENIED.

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JOHN T. SCHNEIDER  
By Svea Sauer

2112 Lawnmont Avenue

From "A" Residence  
To "C" Commercial  
NOT Recommended by the  
Planning Commission  
RECOMMENDED "LR"  
Local Retail

Mr. Schneider represented himself stating he wanted a little repair shop at this location. Opposition was expressed by MR. BOB YOUNG. He pointed out the area had deed restrictions against commercial uses, and showed a certified copy of the instrument setting out the deed restrictions. Mr. Schneider requested permission to withdraw the application. Councilman Armstrong moved that the Council allow him to withdraw the application. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

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A. M. RUNDELL

1501-1511 Sunnyvale St.  
1400-10 Summit Street  
1500-06 Elmhurst Drive  
1405-09 South Inter-  
regional Highway

From "A" Residence  
To "BB" Residence  
NOT Recommended by the  
Planning Commission

Mr. Rundell represented himself, and asked that the application be amended to include only Lots 3 and 4 on Elmhurst, and Lots 1-6 on Sunnyvale. He said the larger property owners had not expressed objection. He pointed out the disadvantages of residential development, one of which was the houses would face an old gravel pit or dumping ground, on which no taxes had been paid since 1926. The Council postponed action until it could make a personal inspection of the area.

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The Council had before it the request by the property owner that the following zoning application be referred back to the Planning Commission for further study, or that the applicant be allowed to withdraw the request:

ROGAN B. GILES &  
J. B. GILES, JR.

1103-1201 Fernwood Road  
4401-23 Interregional  
Highway  
4419 Airport Boulevard

From "A" Residence 1st  
Height and Area &  
"C" Commercial 5th  
Height and Area  
To "C-1" Commercial 5th  
Height and Area  
NOT Recommended by the  
Planning Commission

MR. ROGAN GILES appeared in his own behalf stating he had notified the members of the neighborhood according to the list prepared by the City, that he had requested that no hearing be held. He said during the hearing before the sub-committee, some vital evidence which affected the use of the property was considered, and he was not in a position to bring in outside evidence to support his position. He stated it was such a serious matter in terms of development costs, that the use of anything other than commercial would amount to outright confiscation; and he requested that the Council have no hearing and that the application be referred back to the Planning Commission for additional study, and that he would like to have a fair opportunity to support his case. Mayor Palmer stated if there were substantial evidence that might influence the decision one way or the other, the Council might consider his request.

Opposition was expressed by MR. ROBERT POTTS, attorney for a number of citizens living in Delwood 2, including more than the 50% who live within 200' of the property involved. He asked that Mr. Giles' request that this be dismissed, not be granted, as it had been fully developed and the findings were against him. Mr. Potts asked that Mr. Giles' request that the application be resubmitted to the Planning Commission likewise not be granted, as there was no contention made that the application was not given a full and complete hearing in the Zoning Committee and the Planning Commission. Mr. Potts respectfully requested that the Council deny the request. He stated his clients had on file two petitions filed in accordance with Section 31(c) of the Zoning Ordinance; and asked the Council if it decided on Mr. Giles' requests, that he be permitted to be heard on the petitions.

MR. GILES stated he would waive the request for "C-1" zoning and ask consideration of only the East 100' for "C", but he would like for the application to be referred back to the Planning Commission as the evidence is not available to support his contentions at this time.

Discussed by the opposition were the early plats of the subdivision which showed this specific area to be a park. General opposition was spoken by MR. HARRY BRANDT, MR. JAY CALDWELL, REV. ED PARKWELL, St. George's Episcopal Church; MR. EARL DEASON, and MR. CARL HAPPEL. MR. DAN KILLIEN, speaking in opposition, noted there was a building permit in effect on this property now. MISS LOUISE KIRK, representing Mrs. Dorothy Aycock in opposition, pointed out they had property which they were in the process of selling and which sale was pending the outcome of this zoning, and it was not fair to keep the parties in suspense. She expressed opposition to further delay, and was in opposition generally to the change.

MR. POTTS stated subsequent to the filing of the petition by his clients

to roll the zoning back to "A", Mr. Giles, about ten days ago, took out a building permit for a restaurant located on the portion of the tract presently zoned "C", and has taken some steps to start construction. Mayor Palmer noted that the building permit was issued May 24th, and that one petition was filed on May 9th, and one on May 31st. The point at which a non-conforming use becomes established was discussed.

MAYOR PALMER asked, without postponing or withdrawing the application, if Mr. Giles within a period of two weeks could get his additional proof in. Mr. Giles stated he could make a full presentation at that time, June 15th. He stated it would take a four to one vote; and if he had a fair opportunity to present his evidence before the Planning Committee, he believed he would have a favorable recommendation on his amended application to "C". Mr. Potts then asked if Mr. Giles would hand in his building permit until this matter is resolved. MR. GILES stated if they would stipulate with him and the Council as a matter of law, as to whatever rights he has as of this date are fixed until the hearing, he would not do anything further with the building. He stated as long as he were not in anyway prejudiced or harmed by the waiting period as to any rights he had as of this date, he would not proceed any further during this interim period. Mr. Potts stated this was very reasonable. The City Attorney reported this in no way bound the city, as it was a private agreement between the parties. After more discussion, Councilman White moved that the Council recommit to the Planning Commission the application of ROGAN B. GILES, and J. B. GILES, JR., File C14-61-59, together with the petitions which have been filed by various property owners concerning the proper zoning for the entire tract lying between the Interregional Highway on the west; Parkwood Road on the east; Airport Boulevard on the south, and Fernwood Road on the north, as the application has been amended orally by the applicant today, deleting his request for "C-1" and asking for "C" zoning on the entire tract. The motion, seconded by Councilman Perry, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Council informally agreed that the date of hearing would be June 22, 1961.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL THAT CERTAIN SERVICEWAY OR ALLEY LOCALLY KNOWN AS CRESTWOOD ROAD ALLEY; RETAINING AN EASEMENT FOR PUBLIC UTILITIES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion,

seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

COUNCILMAN ARMSTRONG reported people were throwing garbage in the city's private fill at Zilker Park, and some who are doing this are from outside the city limits. Councilman Perry suggested that the Director of Public Works take whatever action is necessary to educate the people in that area, no matter whether they live in this town or in any other town, that this dump is not available to public dumping, even if this action should require the stationing of a person 24 hours a day on duty at the location until such time that people are educated that they are not allowed to dump trash at this location. If the people cannot be educated in any other way, authority be given to the stationing of a full-time guard. The matter was referred to the City Manager.

The Council recessed until 3:00 P.M.

RECESSED MEETING

3:00 P.M.

At 3:00 P.M. the Council resumed its business.

MR. MARTIN DeSTEFANO, representing the Jaycees, asked permission to put on the annual July 4th program at Zilker Park under the same agreement as last year as to the insurance on the fire-works. In addition he asked that instead of the Jaycees' operating the concession booths on that day, that they make arrangements with the present concessionaire to put up the additional booths, and his giving them a certain percentage of the gross sales, the city of course getting its usual 25%. Mr. DeStefano stated the Jaycees would be happy to refund any money they made above their costs to the City. After discussion, Councilman Armstrong moved that the Jaycees be granted their request. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

MR. ERNEST SIMMONS, spokesman for the firemen who circulated the petition, stated he was present today to present the petitions to the Council. After passing out copies of the petition, he read it, as follows:

"INITIATIVE PETITION FOR ADOPTION  
OF A CITY ORDINANCE

TO: The City Council of the City of Austin:

Sirs:

The undersigned, who are qualified voters of the City of Austin equal in number to at least ten per cent of the qualified voters of said City, hereby submit to the City Council of the City of Austin, under the provisions of Article IV of the Charter of the City of Austin, the ordinance hereinafter set forth; and the undersigned petition the City Council to pass said ordinance or to submit said ordinance to a vote of the qualified voters of the City, as provided by Section 5 of Article IV of the Charter of the City of Austin. The full text of the ordinance which the undersigned propose is as follows:

"AN ORDINANCE"

"AN ORDINANCE PROVIDING FOR EQUAL MONTHLY BASE SALARIES FOR FIREMEN AND POLICEMEN WHO OCCUPY POSITIONS WITHIN JOB CLASSIFICATION GROUPS WHICH HAD, ON MAY 1, 1961, THE SAME NUMERICAL DESIGNATION; PROVIDING FOR THE CONTINUATION OF LONGEVITY PAY AND UNIFORM ALLOWANCES FOR FIREMEN AND POLICEMEN; PROVIDING THAT FIREMEN AND POLICEMEN SHALL HAVE THE SAME HOLIDAYS OR DAYS IN LIEU THEREOF AS OTHER MUNICIPAL EMPLOYEES AND THAT SUCH HOLIDAYS OR DAYS IN LIEU THEREOF SHALL NOT BE CHARGED AGAINST VACATION TO WHICH FIREMEN AND POLICEMEN ARE ENTITLED UNDER STATE LAW.

"Section 1. Classified Fire Department employees who occupy positions within Fire Department job classification Group I shall henceforth receive the same monthly base salary as that received by classified Police Department employees who occupy positions within Police Department job classification Group I.

"Section 2. Classified Fire Department employees who occupy positions within Fire Department job classification Group II shall henceforth receive the same monthly base salary as that received by classified Police Department employees who occupy positions within Police Department job classification Group II.

"Section 3. Classified Fire Department employees who occupy positions within Fire Department job classification Group III shall henceforth receive the same monthly base salary as that received by classified Police Department employees who occupy positions within Police Department job classification Group III.

"Section 4. Classified Fire Department employees who occupy positions within Fire Department job classification Group IV shall henceforth receive the same monthly base salary as that received by classified Police Department employees who occupy positions within Police Department job classification Group IV.

"Section 5. Classified Fire Department employees who occupy positions

within Fire Department job classification Group V shall henceforth receive the same monthly base salary as that received by classified Police Department employees who occupy positions within Police Department job classification Group V.

"Section 6. No change in job classification Groups subsequent to May 1, 1961 shall affect the foregoing provisions of this ordinance concerning equal monthly base salaries for Fire Department employees and Police Department employees who occupy positions within job classification Groups which have the same numerical designation; and the equal monthly base salaries provided hereby shall be controlled and determined by job classification Groups which were established by ordinance prior to May 1, 1961 and which were in effect on said date for the Police Department and for the Fire Fighter Division and the Fire Prevention Division of the Fire Department.

"Section 7. Firemen and policemen shall continue to receive longevity pay and uniform and clothing allowances, the amounts of which shall be computed and determined in the same manner that such benefits were computed and determined on and immediately prior to May 1, 1961.

"Section 8. Firemen and policemen shall have the same number of holidays, or days in lieu thereof, that is granted to other municipal employees; and no holiday, or day in lieu thereof, which a fireman or policeman has, shall be charged against, or subtracted from, the vacation time to which such firemen or policeman is entitled under Section 26(a) of Article 1269m, Texas Revised Civil Statutes, popularly known as the Firemen's and Policemen's Civil Service Act, as amended."

Mayor Palmer made inquiry about the job classification and the firemen's request that it be discontinued. Mr. Simmons replied the representatives from the Firemen recommended they withdraw from the job classification study, as it got out of line somewhere. Mayor Palmer reported the complaint received earlier in the morning concerning a method in which some of the signatures were secured in that some firemen secured them at some of the polls during the recent election. He said the Fire Department is a very fine department and he was sorry to see this complaint levelled against it, in the method of getting the petitions signed. Mr. Simmons stated this method was not sanctioned, and he knew nothing about it until later.

MR. SIMMONS stated this was their presentation of the petitions. The City Attorney explained the Charter provisions. Mayor Palmer asked if the firemen preferred to handle it this way rather than by working with the City Manager and the City Council. Mr. Simmons replied they were doing it this way on account of the time element to get it in the budget for 1962, and they had worked with the Council. Mayor Palmer stated this was the first time the Council had anything from the firemen since they appeared in 1960, at which time they were asked to try to work something out with the City Manager. MR. HUME COFER, representing the firemen, explained the procedure for the City Council after the petition had been certified, and stated this was a matter for consideration of the City Council and should not be looked upon as a call for an election; and it was to the Council that this petition was today being submitted.

The City Attorney discussed the job-evaluation route as suggested by the City Manager, and the firemen's request that it be discontinued. The Assistant City Manager reviewed a meeting he had with the representatives of the firemen

prior to the time their ad appeared in the paper, and he explained that they had never negotiated with the City Manager's office; and if they went ahead with their advertisement, they would be taking the matter out of the City Manager's hands and placing it in the hands of the Council. He said MR. STEEN SMITH and MR. SIMMONS stated the time element was the most important thing, as the matter had to be decided upon by budget time. Mr. Simmons said they had already voted to go by petition, if they could not come to some kind of agreement, on account of the time element.

MR. ARTHUR SCHRIEBER reported the firemen were well received everywhere they went, and they could have gotten another 25,000 names.

MAYOR PALMER stated the Council would have the City Clerk to certify as to the number of qualified voters. He stated the firemen had presented their side, and it would be a matter encumbant upon the Council to tell exactly the facts of the case as far as the job evaluation goes--present salaries with equal responsibility--the things that were attempting to be done when the petitions were submitted. If it could be shown equal responsibilities and work and equal salaries there would be no argument. He stated the firemen apparently felt that in the classification, they were going to find themselves getting less money than what they had hoped to get. The Mayor stated this information would have to be brought out, as the people are entitled to know, and the Council would have to do this. Mr. Simmons stated the group was still willing to negotiate with the Council. The City Attorney stated the Charter prohibited negotiating. The Mayor stated the City Clerk would be asked to certify to the petitions, and thanked the group for coming up.

MR. ROGAN GILES appeared before the Council, reporting that Monday, under his building permit (4401 Interregional Highway), he employed a surveyor, and staked his building out. The next day on Tuesday he had a building crew put up batter boards. He stated he discovered today someone not only had knocked out his stakes, but the batter board and string were gone. He said he thought he should report this to the Council today. He said he would not blame anyone, but reported this has happened, but came to his knowledge since this morning. He said the status of a building start would have some very definite significance. He stated his stipulation was that he would not prejudice his status quo, but now he was in a worse state. He would have to prove the status now by affidavits.

The Acting City Manager gave a report on the traffic study at Herndon and South 4th and Herndon and South 5th Streets. It was not recommended that traffic regulations be put at these intersections. The Council asked that the people be advised.

The Acting City Manager gave a report on the traffic study at Grover and Ruth Streets and Grover and Romeria. Stop signs or Yield right-of-way signs were not recommended at either intersection.

The Council informally agreed to the building of a fence across the City of Austin 18 acre tract of land at a location approximately 200' south of the cyclone fence surrounding the storage bins used by the Street and Bridge Division.

Councilman Armstrong moved that the Council set a policy that the City not make connections to sewers to residences outside the city limits. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

Mayor Palmer read a letter from MR. JOHN BRADY protesting motor boat races on the Town Lake. The Council noted that another boating activity had already been authorized (Highland Lakes Boat Club) but would keep this and other protests in mind if any other requests were received for boat races on the Town Lake.

The Council referred a petition for cleaning Boggy Creek from 38½ Street to Manor Road to the proper city department.

Councilman White moved that a petition for a stop sign at Robinhood Trail and Bonnie Road be referred to the Traffic and Transportation Department. The motion, seconded by Councilman Armstrong, carried by the following vote:

Ayes: Councilmen Armstrong, Perry, Shanks, White, Mayor Palmer  
Noes: None

The Council discussed the purchase of property for a District Park in Southwest Austin. Two tracts were under consideration. The Legal Department was authorized to negotiate for the Tabor Tract first and the other tract (Jentsch) second.

The Council went over in detail the proposed contract with Missouri Pacific Company regarding the right-of-way and construction of the boulevard.

The Mayor announced the following invitations for the Council:

Building and Construction Trades Council, by MR. PENE McNEILL, at Randy's Bar-B-Que, June 5th at 7:00 P.M.

Fish Dinner at Zilker Park, June 30th (MR. NOBLE LATSON)

Councilman Armstrong commended MAYOR PALMER and the Chief of Police, BOB MILES, and all involved for the splended Dedication of the Airport.

The Council received notice from the City Manager that the following zoning applications had been referred to the Planning Commission and set for public hearing before the Council on July 6, 1961:

FRANK C. BARRON

4806-4902 New Manor Road

From "BB" Residence  
To "B" Residence

ROY A. MILLER By Edward M. Horne	3400-3500 Manor Road 2200-2228 Anchor Lane	From "A" Residence To "C" Commercial
J. B. FORD	4403 Russell Drive	From "A" Residence 1st Height & Area To "C" Commercial 6th Height & Area
J. B. FORD	2300-2304 Enfield Road	From "B" Residence 1st Height & Area To "B" Residence 2nd Height & Area
BULLARD COMPANY W. H. Bullard, Pres., By Dan Priest	1102-1106 Koenig Lane	From "A" Residence & "IR" Local Retail To "C" Commercial
ELTON C. MARCUM By Carter Lester	812 Park Boulevard 4200-4204 Red River	From "A" Residence To "IR" Local Retail
KELLY DeBUSK	2918-3020 So. Lamar Blvd. 2300-2302 Westforest Dr.	From "GR" General Retail 6th Height & Area To "C" Commercial 6th Height & Area
H. E. BUTT GROCERY CO. By Edward M. Horne	2212-2306 Hancock Drive 2129-2233 North Loop Boulevard	From "GR" General Retail To "C" Commercial
PLANNING COMMISSION AREA STUDY	700-704 & 708-716 West 34th Street <del>3304</del> 3404 King Street	From "A" Residence To "O" Office
TEX-MART INDUSTRIES CORP., NORTHTOWNE CO. By Glenn Cater	Tract 1 7900-7942 Burnet Road 2400-2808 Anderson Lane	From "A" Residence; "C" Commercial & Interim "A" Residence To "GR" General Retail
	Tract 2 2514-2604 Anderson Lane (rear of)	From Interim "A" Residence To "C-2" Commercial
	Tract 3 7944-8124 Burnet Road 2810-2822 Anderson Lane	From "A" Residence & Interim "A" Residence To "GR" General Retail
MANUEL HAROS	1704 Haskell	From "A" Residence To "IR" Local Retail
PAUL C. WALTER	6828-6832 Burnet Road	From "A" Residence To "O" Office
RALPH MORELAND	5301-5309 Airport Blvd. 800-808 East 53½ Street (5325-5333 Airport Blvd.)	From "C" Commercial To "C-2" Commercial

MR. & MRS. EDWARD NASSOUR	708 West 9th Street 901 West Avenue	From "B" Residence 2nd Height & Area To "O" Office 2nd Height & Area
EDWIN LONDON By Edward Maurer	Rear of 1007 West 32nd St. Rear of 3110-3118 Lamar Boulevard	From "A" Residence 5th Height & Area To "C" Commercial 5th Height & Area
LEO L. SMITH	5216 Avenue G 205-207 East 53rd Street	From "IR" Local Retail To "C" Commercial
BERT W. REINKE By E. H. Smartt	709-713 & 901-913 East Live Oak Street 2200-2208 & 2201-2207 Alta Vista	From "A" Residence To "B" Residence
MRS. ESSIE I. BEARD By William P. Danforth, Purchaser	1715 West 35th Street	From "A" Residence To "C-1" Commercial
ROGAN B. GILES & J. B. GILES, JR.	4419 Airport Boulevard 1201-1203 Fernwood Road	From "A" Residence 1st & 5th Height & Area To "C" Commercial 5th Height & Area
C. T. USELTON	2806-2902 Interregional Hwy. 2807-2901 Cole Street	From "B" Residence 5th Height & Area To "C" Commercial 5th Height & Area

There being no further business, the Council adjourned at 5:45 P.M.,  
subject to the call of the Mayor.

APPROVED

*Luca E. Polunin*  
\_\_\_\_\_  
Mayor

ATTEST:

*Elin Woosley*  
\_\_\_\_\_  
City Clerk